

1 Ben Barnow (*pro hac vice*)
2 BARNOW AND ASSOCIATES, P.C.
3 One North LaSalle Street, Suite 4600
Chicago, IL 60602
Tel: 312/621-2000
312/641-5504 (fax)
b.barnow@barnowlaw.com

5 Richard L. Coffman (*pro hac vice*)
6 THE COFFMAN LAW FIRM
First City Building
7 505 Orleans Street, Suite 505
Beaumont, TX 77701
Tel: 409/833-7700
8 866/835-8250 (fax)
rcoffman@coffmanlawfirm.com

9
10 *Interim Co-Lead Class Counsel*
[Additional counsel appear on signature
page]
11

Jeremiah Frei-Pearson (*pro hac vice*)
FINKELSTEIN, BLANKINSHIP,
FREI-PEARSON & GARBER, LLP
1311 Mamaroneck Avenue, Suite 220
White Plains, NY 10605
Tel: 914/298-3281
914/824-1561 (fax)
jfrei-peerson@fbfglaw.com

Marc L. Godino (*pro hac vice*)
GLANCY PRONGAY & MURRAY LLP
1925 Century Park East, Suite 2100
Los Angeles, CA 90067
Tel: 310/201-9150
310/201-9160 (fax)
mgodino@glancylaw.com

12 **UNITED STATES DISTRICT COURT**

13 **DISTRICT OF NEVADA**

14 IN RE: ZAPPOS.COM INC.,
CUSTOMER DATA SECURITY
15 BREACH LITIGATION

Case No. 3:12-cv-00325-RCJ-VPC

MDL No. 2357

Hon. Robert C. Jones, C.J.

CLASS ACTION

16 THIS DOCUMENT RELATES TO:

17 ALL ACTIONS

18
19
20 **STIPULATION AND [PROPOSED] ORDER GRANTING**
DISMISSAL WITH PREJUDICE AS TO ALL CLAIMS OF ALL PLAINTIFFS

21
22
23
24
25
26
27
28

1 WHEREAS, the history of this litigation is protracted.

2 WHEREAS, on September 9, 2013, the Court entered an order granting in part and
3 denying in part Defendant Zappos, Inc.'s ("Defendant") motion to dismiss. Dkt. No.
4 114.

5 WHEREAS, on March 27, 2015, the Court entered an Order denying Plaintiffs'
6 Motion to Enforce Settlement. Dkt. No. 227.

7 WHEREAS, on June 1, 2015, the Court entered an Order dismissing Plaintiffs' claims
8 without prejudice. Dkt. No. 235.

9 WHEREAS, on May 6, 2016, the Court entered an Order dismissing most of
10 Plaintiffs' claims with prejudice and striking Plaintiffs' class allegations as they were
11 pleaded. Dkt. No. 279.

12 WHEREAS, on August 29, 2016, the Court entered an Order granting in part and
13 denying in part Plaintiffs' Motion for Reconsideration. Dkt. No. 287.

14 WHEREAS, all Plaintiffs now desire to seek appellate review, and they seek to do
15 so without delay rather than continuing to litigate the few claims potentially remaining
16 before this Court to finality;

17 WHEREAS, all parties agree to waive any claims to costs and attorney's fees as a
18 result of Plaintiffs' dismissals of their claims;

19 WHEREAS, Plaintiffs and Defendant have met and conferred and have agreed
20 pursuant to Fed. R. Civ. P. 41(a)(1) to stipulate to a voluntary dismissal with prejudice
21 of any and all remaining claims in this action for the purpose of terminating this Court's
22 jurisdiction over this case so that all Plaintiffs may appeal to the United States Court of
23 Appeals for the Ninth Circuit;

24 IT IS HEREBY STIPULATED BY AND BETWEEN Plaintiffs and Defendant,
25 through their respective counsel of record, that any and all remaining claims shall be
26 voluntarily dismissed with prejudice pursuant to a final Order, the nature of which is
27 described in 28 U.S.C. § 1291, with each party to bear its own attorneys' fees and costs.

1 IT IS SO STIPULATED.

2
3 IT IS SO ORDERED this 13th day of September, 2016.

4
5
6 ROBERT C. JONES

7
8
9 Ben Barnow
10 BARNOW AND ASSOCIATES, P.C.
One North LaSalle Street, Suite 4600
11 Chicago, IL 60602
Tel: 312/621-2000 & 312/641-5504 (fax)
b.barnow@barnowlaw.com

12 Richard L. Coffman
13 THE COFFMAN LAW FIRM
First City Building
14 505 Orleans Street, Fifth Floor
Beaumont, TX 77701
15 Tel: 409/833-7700 & 866/835-8250 (fax)
rcoffman@coffmanlawfirm.com

16 Jeremiah Frei-Pearson
17 FINKELSTEIN, BLANKINSHIP, FREI-
PEARSON & GARBER, LLP
18 1311 Mamaroneck Avenue, Suite 220
White Plains, NY 10605
19 Tel: 914/298-3281 & 914/824-1561 (fax)
jfrei-peerson@fbfglaw.com

20 Marc L. Godino (*pro hac vice*)
21 GLANCY PRONGAY & MURRAY LLP
1925 Century Park East, Suite 2100
22 Los Angeles, CA 90067
Tel: 310/201-9150 & 310/201-9160 (fax)
mgodino@glancylaw.com

23
24 *Interim Co-Lead Class Counsel*

25 Timothy G. Blood
26 BLOOD HURST & O'REARDON, LLP
701 B Street, Suite 1700
27 San Diego, CA 92101
Tel: 619/338-1100 & 619/338-1101 (fax)
tbllood@bholaw.com

Executive Committee Member

APPROVED

/s/ Stephen J. Newman

Julia B. Strickland
Stephen J. Newman
STROOK & STROOCK & LAVAN LLP
2029 Century Park East
Los Angeles, CA 90067
Tel: 310/556-8800 / 310-556-5959 (Fax)

Defendant's Counsel

Robert McCoy, No. 9121
KAEMPFER CROWELL
1980 Festival Plaza Drive
Suite 650
Las Vegas, NV 89135
Tel: 702.792.7000

Defendant's Local Counsel

CERTIFICATE OF SERVICE

I certify that on September 12, 2016, I caused to be electronically filed the foregoing document with the Clerk of Court using the Court's ECF system. I further certify that the foregoing document was served this day on all counsel of record via transmission of Notices of Electronic Filing generated by the CM/ECF.

By: /s/ David C. O'Mara